

COOK | ROOS | WILBUR | THOMPSON LLP
TRACY THOMPSON, CBN 88173
MICHAEL E. WILBUR, CBN 152361
221 Main Street, Suite 1600
San Francisco, California 94105
Telephone: 415-362-7071
Facsimile: 415-362-7073

Attorneys for Defendant
PRAVEEN CHAKRAVARTY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS WEISEL PARTNERS LLC, a Delaware limited liability company, and THOMAS WEISEL INTERNATIONAL PRIVATE LIMITED, an Indian company,

Plaintiffs.

VS.

BNP PARIBAS, a French corporation, BNP PARIBAS SECURITIES (ASIA) LIMITED, a Hong Kong company, and PRAVEEN CHAKRAVARTY, an individual,

Defendants.

Case No.: C 07-06198 MHP

MISCELLANEOUS ADMINISTRATIVE
REQUEST TO FILE DOCUMENTS UNDER
SEAL PURSUANT TO L.R. 79-5;
DECLARATION OF MICHAEL E. WILBUR
IN SUPPORT

Hearing: August 18, 2008
Time: 2:00 p.m.
Courtroom: 15
The Honorable Marilyn Hall Patel

I. INTRODUCTION

Pursuant to Civil Local Rule 79-5, defendant Praveen Chakravarty brings this Miscellaneous Administrative Request to file Documents Under Seal pursuant to Local Rule 79-5, in order to preserve the confidentiality of information that was designated as “Confidential” under the Stipulated Protective Order entered by the Court on May 22, 2008.

11

11

II. STATEMENT OF FACTS

Defendant Chakravarty has filed a motion to dismiss on jurisdictional and forum non conveniens grounds. In connection with that motion, the parties have conducted discovery and entered into a Stipulated Protective Order. One of the exhibits being filed along with Chakravarty's reply to plaintiffs' Consolidated Opposition is a document that was produced by plaintiffs and designated as "Confidential" under the Stipulated Protective Order. In addition, along with their Consolidated Opposition filed July 10, 2008, plaintiffs filed under seal an Intercompany Services Agreement.

By this Request, defendant Chakravarty seeks the Court's leave to file under seal (1) a declaration exhibit consisting of a document plaintiffs designated as "Confidential" under the Stipulated Protective Order, and (2) portions of Chakravarty's reply memorandum that refer to documents filed under seal by plaintiffs as well as the additional document that is being filed under seal by Chakravarty.

III. ARGUMENT

The Court has the inherent power to seal its records to prevent them from becoming a vehicle for an improper purpose. *Hagestad v. Tragesser*, 49 F.3d 1430, 1433-34 (9th Cir. 1995). This includes the power to issue a narrowly tailored order sealing records that contain information that is "privileged or protectable as a trade secret or otherwise entitled to protection under the law." L.R. 79-5(a).

Further, the Stipulated Protective Order entered in this Action states that:

Any party or third party who wishes to file CONFIDENTIAL MATERIALS under seal with the Court must first move the Court to enter an order authorizing the sealing of the particular document or portion thereof.

Docket No. 39, Stipulated Protective Order, ¶ 12.)

Defendant seeks leave to file the following documents under seal:

(A) Exhibit A to the Declaration of Michael E. Wilbur filed herewith. This document was produced by plaintiffs and designated "Confidential" under the Stipulated Protective Order.

(B) Portions of Chakravarty's Reply Memorandum of Points and Authorities. Portions of the Reply Memorandum that discuss the above document and the Intercompany Services Agreement which was previously filed under seal by plaintiffs.

IV. CONCLUSION

For all of the foregoing reasons, defendant Chakravarty respectfully requests that the Court grant this Request.

Dated: August 4, 2008.

COOK | ROOS | WILBUR | THOMPSON LLP

By



MICHAEL E. WILBUR
Attorneys for Defendant
PRAVEEN CHAKRAVARTY

P080108MiscellaneousAdminRequest.doc

DECLARATION OF MICHAEL E. WILBUR


I, Michael E. Wilbur, hereby declare:

1. I am an attorney licensed to practice in the State of California. I am a partner in the firm of Cook Roos Wilbur Thompson LLP, counsel of record for defendant Praveen Chakravarty. I make this declaration upon personal knowledge, and if called as a witness could and would testify competently to the matters set forth herein.

2. The document attached as Exhibit A to my Declaration submitted herewith was designated by plaintiffs as "Confidential" pursuant to the Stipulated Protective Order entered by the Court on May 22, 2008.

3. The redacted portions of Chakravarty's Reply Memorandum of Points and Authorities in Support of Motion to Dismiss refer either to (a) the Intercompany Services Agreement that was previously filed under seal, or (b) the document referenced in paragraph 2 above.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th day of August, 2008.



Michael E. Wilbur